

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BRUCE CORKER d/b/a RANCHO ALOHA, *et al.*,

Plaintiffs,

v.

MULVADI CORPORATION, *et al.*,

Defendants.

CASE NO. 2:19-cv-00290-RSL

PLAINTIFFS' MOTION FOR LEAVE TO
FILE OVERLENGTH BRIEF IN
SUPPORT OF PLAINTIFFS' RENEWED
MOTION FOR DISPOSITIVE
SANCTIONS

Noting date: November 23, 2022

Plaintiffs request leave to file a 24-page brief in support of Plaintiffs' Renewed Motion for Dispositive Sanctions against Defendant Mulvadi Corporation ("Mulvadi"), *see* Fed. R. Civ. P. 7(f), which will include a request that the Court strike Mulvadi's Answer and enter an order of default. This is the second time Plaintiffs have requested leave to file an overlength brief in this matter. The only other time was for Plaintiffs' original motion for terminating sanctions against Mulvadi, and the Court granted Plaintiffs' request to file a 24-page brief. *See* Dkt. 540 - 541.

Plaintiffs brought this lawsuit against Mulvadi and twenty-one other Defendants, alleging that Defendants falsely identified Kona as the source of their coffee in violation of the Lanham Act. *See* Dkt. 381; 15 U.S.C. § 1125. As established in further detail in Plaintiffs' prior Motion for Leave

1 to File Overlength brief, most of the defendants have litigated in good faith and complied with their
2 discovery obligations, but Mulvadi has not. Dkt. 540.

3 The Court recently sanctioned Mulvadi for its willful violations of its discovery obligations,
4 warning Mulvadi that “failure to comply with the substantive terms of this Order will result in an
5 entry of default judgment against it and an injunction prohibiting it from selling ‘Kona’-labeled
6 coffee.” Dkt. 677 at 19-20. Consequently, the Court denied Plaintiffs’ request for terminating
7 sanctions without prejudice. *Id.* at 19-20. As will be detailed in Plaintiffs’ renewed motion, Mulvadi
8 failed to comply with the unequivocal terms of the Court’s sanctions order (and other orders) and
9 has engaged in additional misconduct, making it clear that no sanction less than default will ever
10 cause Mulvadi to take its discovery obligations seriously.

11 Because the Renewed Motion is potentially dispositive and given the gravity of the issues,
12 consistent with the page limits for summary judgment motions, Plaintiffs request leave to file a 24-
13 page brief.

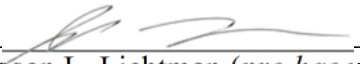
14 Dated this 23rd day of November, 2022.

15 KARR TUTTLE CAMPBELL

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CERTIFICATE OF SERVICE

I, Luci Brock, affirm and state that I am employed by Karr Tuttle Campbell in King County, in the State of Washington. I am over the age of 18 and not a party to the within action. My business address is: 701 Fifth Avenue, Suite 3300, Seattle, Washington 98101. On this day, I caused to be filed with the Court a true and correct copy of the foregoing via the Court's electronic filing system, which caused service of the document to all parties registered to receive notifications through CM/ECF.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge.

Dated this 23rd day of November, 2022 at Seattle, Washington.

s/ Luci Brock

Luci Brock
Litigation Legal Assistant